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Attorneys for Claimant
ACE AMERICAN INSURANCE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of SCOTT
LARSEN and DEBBIE LARSEN, as owners
of SWEET EMOTION, from exoneration from
or limitation of liability

Case No. 2:21-cv-00390-JAM-AC

**JOINT STIPULATION AND [PROPOSED]
ORDER RE: MODIFICATION OF PRE-
TRIAL SCHEDULING ORDER**

Action Filed: March 3, 2021
Trial Date: April 24, 2023

Claimants Hanover Insurance Company, Atlantic Specialty Insurance Company, Standard
Fire Insurance Company, Ace American Insurance Company, Clinton and Kathy Jones, Markel
American Insurance Company, Ox Bow Marina and Plaintiffs-in-Limitation Scott and Debbie
Larsen submit the following stipulation and proposed order seeking to extend certain discovery
deadlines provided in the Court's July 18, 2022 Order. (Docket No. 50).

The July 18, 2022 Order, set the following dates:

- o Expert disclosures to be made by: August 15, 2022
- o Supplemental disclosure and disclosure of rebuttal experts: August 29, 2022
- o Discovery to be completed by: October 17, 2022
- o Dispositive motions to be filed by: November 25, 2022
- o Dispositive motions to be heard on: January 24, 2023 at 1:30 p.m.

- o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (October 3, 2022).
 - o Final pre-trial conference: March 10, 2023 at 10:00 a.m.
 - o Trial: April 24, 2023 at 9:00 a.m.
- (Dkt. No. 50).

The parties met and conferred and agree that a continuance of the deadlines for expert disclosures, supplemental disclosures and discovery cut off would be appropriate given the status of discovery as well as the status of settlement negotiations. This action arises out of an explosion and fire at the Ox Bow Marina on September 14, 2020. The parties have diligently taken the depositions of multiple witnesses. However, given the number of witness and vessels involved, discovery is not yet complete. In addition, repairs at the Ox Bow Marina are ongoing, discovery regarding the circumstances relating to the incident and the damages incurred by the marina as a result of the incident continue to be undetermined. The parties cannot adequately prepare expert reports until discovery is complete and cannot adequately engage in settlement negotiations until damages can be better determined.

On August 11, 2022, the parties met and conferred and agreed that a further 90-continuance would allow the parties time to complete the necessary discovery to meaningfully engage in settlement discussion. The parties contacted the Court and confirmed that the Court is able to accommodate the following schedule:

- o Expert disclosures to be made by: November 18, 2022
- o Supplemental disclosure and disclosure of rebuttal experts: December 2, 2022
- o Discovery to be completed by: January 20, 2023
- o Dispositive motions to be filed by: March 3, 2023
- o Dispositive motions to be heard on: May 9, 2023 at 1:30 p.m.
- o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (January 6, 2023).
- o Final pre-trial conference: June 16, 2023 at 10:00 a.m.
- o Trial: July 31, 2023 at 9:00 a.m.

1 The parties respectfully request the Court grant the parties' request to continue the dates as outlined
2 above.

3 Pursuant to the Monition and order on application for publications, all claims were to be
4 filed on or before April 18, 2021 (Docket Nos. 7, 8). On or about April 20, 2021, Elaine Ilderton
5 filed a request for an extension of time to file her claim (Docket No. 20). The Court granted Ms.
6 Ilderton's request for a 90-day extension to file her claim (Docket No. 21), giving a new filing and
7 service deadline of July 21, 2021. No separate claim by Ms. Ilderton has been filed in this limitation
8 action. Therefore, based on the foregoing facts and pursuant to FRCP Title XIII Rule F(4), Ms.
9 Ilderton does not have a separate claim in this limitation action, making her signature on this
10 Stipulation unnecessary.

11 IT IS SO STIPULATED:

12
13 Dated: August 12, 2022

POWERS MILLER

14
15 /s/ KATHERINE MARLINK(as authorized
16 on 08/12/2022)
17 John P. Sciacca, Esq.
Katherine Marlink Esq.
Attorneys for Plaintiffs
SCOTT LARSEN and DEBBIE LARSEN

18 Dated: August 12, 2022

**LAW OFFICE OF VICTORIA A.
TURCHETTI**

19
20 /s/ MICHAEL S. LEAVY (as authorized on
21 08/12/2022)
22 Michael S. Leavy, Esq.
Attorneys for Claimant
23 SPECIALTY INSURANCE COMPANY

24 Dated: August 12, 2022

GIBSON ROBB & LINDH LLP

25 /s/ C. JOSEPH OU
26 C. Joseph Ou
27 cjou@gibsonrobb.com
Attorneys for Claimants
28 STANDARD FIRE INSURANCE COMPANY and
ACE AMERICAN INSURANCE COMPANY

1 Dated: August 12, 2022

NOMA LAW FIRM

2
3 /s/ SALLY NOMA (as authorized on _____
08/12/2022) _____

4 Sally Noma, Esq.
5 Attorneys for Claimant
6 MARKEL AMERICAN INSURANCE COMPANY

7 Dated: August 12, 2022

**BERMAN BERMAN BERMAN
SCHNEIDER & LOWARY LLP**

8
9 /s/ ELLEN Y. HUNG (as authorized on _____
10 08/12/2022) _____

11 Ellen Y. Hung, Esq.
12 Attorneys for Claimant
13 OX BOW MARINA

14 Dated: August 12, 2022

**GROTEFELD HOFFMAN GORDON &
OCHOA, LLP**

15 /s/ Margaret L. Sell (as authorized on _____
16 08/12/2022) _____

17 Margaret L. Sell, Esq.
18 Attorneys for Claimant
19 HANOVER INSURANCE COMPANY

20 I, C. Joseph Ou attest that the other signatories listed above and on whose behalf the filing
21 is submitted, concurred in the filing's content, and authorized the
22 filing.

23 /s/ C. JOSEPH OU _____
24 C. Joseph Ou
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ORDER

Based on the stipulation of the parties and good cause appearing, the Pre-trial Scheduling Order of July 18, 2022, is modified as follows:

- o Expert disclosures to be made by: November 18, 2022
- o Supplemental disclosure and disclosure of rebuttal experts: December 2, 2022
- o Discovery to be completed by: January 20, 2023
- o Dispositive motions to be filed by: March 3, 2023
- o Dispositive motions to be heard on: May 9, 2023 at 1:30 p.m.
- o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (January 6, 2023).
- o Final pre-trial conference: June 16, 2023 at 10:00 a.m.
- o Trial: July 31, 2023 at 9:00 a.m.

IT IS SO ORDERED.

Dated: August 15, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE